

REMARKS

Status of the Claims

Claims 34-67 are currently pending in the application.

Restriction

I. Invention Groups

Claims 34-67 were restricted under 35 U.S.C. § 121 into the following groups:

- I. Claims 34-54, drawn hG-CSF polypeptides comprising the substitution Q70K, and conjugates and compositions thereof, classified in class 514, subclass 8.
- II. Claims 55-56, drawn to methods of treating an animal with a hematopoietic disorder through administration of a conjugate of a mutant G-CSF and a non-polypeptide moiety, classified in class 514, subclass 8.
- IV. Claims 57-65, drawn to methods for the preparation of a polypeptide conjugate, classified in class 435, subclass 69.1.
- IV. Claims 66-67, drawn to methods for the preparation of a composition comprising the mixing of a buffer with a modified G-CSF or a modified G-CSF conjugate, classified in class 435, subclass 350.

II. Species

For each of Groups I-IV, the Examiner required Applicants to elect "a particular species of the polypeptide conjugate: i.e., the Applicant may elect the claimed invention wherein the G-CSF comprises the substitution Q70K, or Q70K plus one or more additional substitutions."

For Group III, the Examiner required Applicants to elect "a particular species of the claimed method for producing a polypeptide conjugate, the species identified by the election of one of the following cells in which the conjugate is to be produced:

- (a) an *S. cerevisiae* cell,
- (b) a *Pichia pastoris* cell,
- (c) a CHO cell,
- (d) a BHK cell,
- (e) an HEK cell, and
- (f) and SF9 cell."

The Examiner noted that Applicants must elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable, and further noted that currently-pending claims 34, 55, 57 and 66 are generic.

Election of Restriction Groups and Species for Initial Examination

Applicants elect Group I, Claims 34-54, drawn hG-CSF polypeptides (and conjugates and compositions thereof) comprising the substitution Q70K, for prosecution in this application.

For initial examination, applicants elect the species of G-CSF comprising Q70K plus K16R, K34R, and K40R for initial examination. At least claims 34-36, 40-42, 44, and 47-54 read on the elected species.

Request for Rejoinder

Claims 57-65 are drawn to methods for preparing of a polypeptide conjugate according to invention group III, and and claims 66-67 are drawn to methods for preparing a composition according to invention group IV. These method claims incorporate all the limitations of elected Group I product claim 34.

Claims 55-56 are drawn to methods of treatment according to invention group II. These method claims incorporate all the limitations of elected Group I product claim 34.

In the event product claims are found allowable, Applicants request rejoinder and examination of these methods claims in this application, pursuant to 35 USC §121 and MPEP §821.04.

CONCLUSION

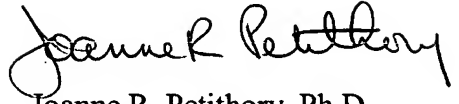
If a telephone conference would expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (650) 298-5452.

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Respectfully submitted,


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